

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
FRED VETTER)
)
Licensee of Private Land Mobile Radio Station)
WPVZ929)

ORDER OF MODIFICATION

Adopted: October 22, 2010

Released: October 22, 2010

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. By this *Order of Modification*, we modify the license of the Fred Vetter (Vetter) for Private Land Mobile Radio (PLMR) Station WPVZ929 to replace frequency pair 810/855.6125 MHz with frequency pair 816/861.5125 MHz. We take this action pursuant to an earlier order proposing to modify Vetter's license.¹

II. BACKGROUND

2. Vetter is the licensee of PLMR Station WPVZ929 in Pemberville, Ohio, which is authorized to operate on frequency pair 810/855.6125 MHz. Under the provisions of the Commission's 800 MHz rebanding proceeding, Vetter must retune Station WPVZ929 from frequency pair 810/855.6125 MHz to frequency pair 816/861.5125 MHz at Sprint Nextel's expense.² Pursuant to the terms of Commission's 800 MHz *Second Report and Order*,³ and the Implementation Plan established by the 800 MHz Transition Administrator,⁴ Vetter was required to submit a cost estimate for this retuning by January 12, 2009.

¹ See Fred Vetter, *Order Proposing Modification*, 25 FCC Rcd 10411 (WTB MD 2010) (OPM).

² See Improving Public Safety Communications in the 800 MHz Band, *Report and Order*, *Fifth Report and Order*, *Fourth Memorandum Opinion and Order*, and *Order*, WT Docket No. 02-55, 19 FCC Rcd 14969 (2004); *Erratum* (rel. Sep. 10, 2004); *Second Erratum*, 19 FCC Rcd 19651 (2004); *Third Erratum*, 19 FCC Rcd 21818 (2004) (800 MHz *Report and Order*); *Supplemental Order and Order on Reconsideration*, 19 FCC Rcd 25120 (2004); *Erratum* (rel. Jan. 19, 2005); *Memorandum Opinion and Order*, 20 FCC Rcd 16015 (2005); *Order*, 21 FCC Rcd 5503 (2006); *Second Memorandum Opinion and Order*, 22 FCC Rcd 10467 (2007); *Erratum* (rel. July 26, 2007); *Third Memorandum Opinion and Order*, 22 FCC Rcd 17209 (2007); *Second Report and Order*, 23 FCC Rcd 7605 (2008), *Erratum* (rel. May 28, 2008) (800 MHz *Second Report and Order*); *Fourth Memorandum Opinion and Order*, 23 FCC Rcd 18512 (2008).

³ 800 MHz *Second Report and Order*, 23 FCC Rcd at 7619-21 ¶¶ 37-41.

⁴ 800 MHz Transition Administrator, LLC, Implementation Plan and Timetable for the Reconfiguration of the 800 MHz Band in the U.S.-Canada Border Regions, WT Docket No. 02-55 (Oct. 1, 2008), *approved*, *Public Notice*, "Public Safety and Homeland Security Bureau Announces That the 30-Month Transition Period for 800 MHz (continued....)

3. In the *800 MHz Report and Order*, the Commission charged all parties with a duty to act in good faith and warned parties that failure to act in good faith could result in license modification and involuntary relocation.⁵ Despite repeated urging on the part of the 800 MHz Transition Administrator, to date Vetter has failed to provide either the requisite cost estimate to Sprint Nextel or to request additional time to complete planning from the Public Safety and Homeland Security Bureau.⁶

4. In an *Order Proposing Modification (OPM)* released July 30, 2010, we proposed to modify Vetter's license by replacing frequency pair 810/855.6125 MHz with frequency pair 816/861.5125 MHz. Vetter was afforded thirty days to protest the *OPM*.⁷

III. DISCUSSION

5. Because Vetter failed to protest the proposed modification of his license within thirty days,⁸ he is deemed to have consented to the proposed modification.⁹ Based on the record in this matter, we hereby modify the authorization for PLMR Station WPVZ929, as proposed in the *OPM*. All costs associated with relocating to the new frequency pair must be borne by Vetter.

6. ACCORDINGLY, IT IS ORDERED, pursuant to Sections 4(i) and 316 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license for Private Land Mobile Radio Service Station WPVZ929, held by Fred Vetter, BE MODIFIED by replace frequency pair 810/855.6125 MHz with frequency pair 816/861.5125 MHz.

7. IT IS FURTHER ORDERED that this *Order of Modification* SHALL BE SENT by certified mail, return receipt requested, to Fred Vetter, 11440 Devils Hole Road, Bowling Green, OH 43402; and to Dana Daberko, Shulman, Rogers, Gandal, Pordy & Ecker, P.A., 12505 Park Potomac Avenue, 6th Floor, MD 20854.

8. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

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Band Reconfiguration in Regions Along the U.S.-Canada Border Will Commence on October 14, 2008," 23 FCC Rcd 14877 (2008).

⁵ *800 MHz Report and Order*, 19 FCC Rcd at 15076-77 ¶ 201.

⁶ See, e.g., Notice of Failure to Provide Cost Estimate, filed Feb 19, 2009 by the 800 MHz Transition Administrator.

⁷ See *OPM*, 25 FCC Rcd at 10412 ¶ 5.

⁸ See 47 C.F.R. § 1.87(g)(1).

⁹ See 47 C.F.R. § 1.87(h); see also *OPM*, 25 FCC Rcd at 10413 ¶ 6.